

रजिस्टर्ड नं० एल०-३३/एम० एम०/१३-१४/९५.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, २९ मार्च, १९९५/८ चैत्र, १९१७

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-४, २९ मार्च, १९९५

संख्या १-१९/९५-वि० स०.—हिमाचल प्रदेश नगर और ग्राम योजना (संशोधन) विधेयक, १९९५ (१९९५ का विधेयक संख्यांक ३) जो आज दिनांक २९ मार्च, १९९५ को हिमाचल प्रदेश विधान सभा में

पुरःस्थापित हो गया है भी एक प्रति हिमाचल प्रदेश विधान सभा की प्रतिष्ठा एवं कार्य संचालन नियमावली 1973 के नियम 135 के अन्तर्गत समाधारण की सूचनाओं समाधारण राजपत्र में प्रकाशित करने हेतु प्रेषित की जाती है ।

को० एल० वर्मा,
सचिव ।

1985 का विधेयक संख्या 3.

हिमाचल प्रदेश नगर और ग्राम योजना (संशोधन) विधेयक, 1995

(विधान सभा में यथा पुरस्कृत)

हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का 12) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के छियालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश नगर और ग्राम योजना (संशोधन) संक्षिप्त नाम अधिनियम, 1995 है।

2. हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (जिसे इसमें इसको धारा 2, धारा 48, धारा 50, धारा 52 और धारा 64 के खण्ड (n) में, "the Chief Executive Officer" शब्दों के स्थान पर "the Chief Administrator" शब्द रखे जाएंगे। धारा 2, 48, 50, 52 और 64 का संशोधन।

3. मूल अधिनियम की धारा 42 के स्थान पर, निम्नलिखित धारा रखी जाएगी, अर्थात्:— धारा 42 का प्रतिस्थापन।

"42. Constitution of Town and Country Development Authority.—

(1) Save as provided in section 42-A, every Town and Country Development Authority shall consist of the Chairman and other members not exceeding twelve to be appointed by the State Government;

Provided that, whenever it is expedient to ensure the efficient performance of the functions assigned to the Town and Country Development Authority, the State Government may appoint one or more persons as its Vice-Chairmen and where more than one person is appointed as Vice-Chairman one of them shall be designated as Senior Vice-Chairman;

Provided further that the State Government may, if it considers it necessary so to do, constitute a single member Town and Country Development Authority.

(2) The Chairman, and in the absence of the Chairman the Senior Vice-Chairman, and in the absence of both the Chairman and Senior Vice-Chairman, the Vice-Chairman, shall preside over the meetings of the Town and Country Development Authority constituted under sub-section (1). The Senior Vice-Chairman and Vice-Chairman shall, in relation thereto, exercise such powers and perform such functions as the Chairman may assign to them."

धारा 43
का संशोधन।

4. मूल अधिनियम की धारा 43 में —

- (क) उप-धारा (1) और (2) में, "Chairman", शब्द के पश्चात् "Vice-Chairman" अल्प विराम चिह्न और शब्द अन्तःस्थापित किए जाएंगे।
- (ख) उप-धारा (3) में, "Chairman", शब्द के पश्चात्, "Vice-Chairman" अल्प विराम चिह्न और शब्द अन्तःस्थापित किए जाएंगे।

धारा 44
का संशोधन।

5. मूल अधिनियम की धारा 44 में —

- (क) उप-धारा (1) में, "a member under clause (b) of section 42", शब्द और अंक के स्थान पर "a Vice-Chairman or a member under section 42", शब्द और अंक तथा दूसरी बार आए शब्द "member" के स्थान पर, यथास्थिति, "Vice-Chairman or the member" शब्द रखे जाएंगे;
- (ख) उप-धारा (2) में "any member", शब्दों के स्थान पर "any Vice-Chairman or any member" शब्द तथा "a member", शब्दों के स्थान पर, यथास्थिति, "a Vice-Chairman or a member" शब्द रखे जाएंगे; और
- (ग) उप-धारा (3) में, "the Chairman", शब्दों के स्थान पर "Vice-Chairman" अल्प विराम चिह्न और शब्द जोड़े जाएंगे।

धारा 45
का संशोधन।

6. मूल अधिनियम की धारा 45 के स्थान पर, निम्नलिखित धारा रखी जाएगी, अर्थात्:—

"45. *Salary and allowances.*—(1) The Chairman shall receive such salary and allowances and shall be subject to such terms and conditions of service as may be prescribed.

(2) The Senior Vice-Chairman, Vice-Chairman and members may be paid such allowances as may be prescribed."

धारा 46
का संशोधन।

7. मूल अधिनियम की धारा 46 की उप-धारा (2) के स्थान पर, निम्नलिखित उप-धारा रखी जाएगी, अर्थात्:—

"(2) Whenever the office of the Chairman falls vacant, on account of leave under sub-section (1), the Senior Vice-Chairman or whenever the offices of the Chairman and the Senior Vice-Chairman fall vacant, on account of leave, the Vice-Chairman shall act as the Chairman."

धारा 87
का संशोधन।

8. मूल अधिनियम की धारा 87 की उप-धारा (2) के खण्ड (XV) के पश्चात् निम्नलिखित खण्ड (XV-a) जोड़ा जाएगा, अर्थात्:—

"(XV-a) the rates at which, and conditions subject to which, the salary and allowances to be paid to the Chairman, Vice-Chairmen and members under Section 45;"

उद्देश्यों और कारणों का कथन

राज्य भर में विकास योजनाओं के एक समान कार्यान्वयन को सुनिश्चित करने के लिए, राज्य सरकार ने हाल ही में हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का 12) के अधीन गठित विभिन्न योजना क्षेत्रों और विशेष क्षेत्रों के लिए एक एकीकृत नगर और ग्राम विकास प्राधिकरण स्थापित किया है। उक्त एकीकृत विकास प्राधिकरण की स्थापना के परिणामस्वरूप सदस्यों की संख्या में वृद्धि करना और विकास प्राधिकरण के लिए एक या अधिक उपाध्यक्ष नियुक्त करना तथा इसके मुख्य कार्यपालक अधिकारी को "मुख्य प्रशासक" के रूप में पुनः पदनामित किया जाना भी आवश्यक हो गया है। विकास प्राधिकरण के अध्यक्ष, उपाध्यक्ष और सदस्यों की प्रभावशाली और अर्थपूर्ण अन्तर्प्रस्तुता प्रोत्साहित करने के लिए उनको ऐसे वेतन और भत्तों के संदाय के लिए जो राज्य सरकार द्वारा समय-समय पर विहित किए जाएं उपबन्ध करना भी आवश्यक है।

यह विधेयक उक्त उद्देश्यों की पूर्ति के लिए है।

शिमला :

29 मार्च, 1995.

वीरमित्र सिंह,

मुख्य मन्त्री।

वित्तीय शापन

विधेयक का खण्ड -6 अधिनियमित किए जाने पर, उपाध्यक्ष को ऐसे भत्ते प्राप्त करने के लिए भी हकदार बनाता है जो राज्य सरकार द्वारा विहित किए जाएं और उस प्रयोजन के लिए उपगत किया जाने वाला व्यय नगर और ग्राम विकास प्राधिकरण की निधि में से लिया जाएगा।

प्रत्यायोजित विधान सम्बन्धी शापन

मूल अधिनियम की धारा 87, जिसे विधेयक के खण्ड 8 द्वारा संशोधित किया जाना प्रस्तावित है, राज्य सरकार को दरे जिन पर और शर्तें जिनके अधीन विकास प्राधिकरण के अध्यक्ष, उपाध्यक्ष और सदस्यों को उपलब्धियों और भत्ते संदत्त किए जाने हैं, नियत करने के लिए नियम बनाने को सशक्त करती है। उक्त नियम पूर्व प्रकाशन की शर्त के अधीन रहते हुए बनाए जाएंगे और बनाए जाने पर उक्त नियम विधान सभा के समक्ष रखे जाएंगे। प्रस्तावित प्रत्यायोजन आवश्यक और सामान्य स्वरूप का है।

AUTHORITATIVE ENGLISH TEXT

Bill No. 3 of 1995.

THE HIMACHAL PRADESH TOWN AND COUNTRY
PLANNING (AMENDMENT) BILL, 1995

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

Bill.

further to amend the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977).

Be it enacted by the Himachal Pradesh Legislative Assembly in the Forty-sixth Year of the Republic of India as follows: -

Short title

1. This Act may be called the Himachal Pradesh Town and Country Planning (Amendment) Act, 1995.

Amendment of sections 2, 48, 50, 52 and 64.

2. In clause (n) of section 2, section 48, section 50, section 52 and section 64 of the Himachal Pradesh Town and Country Planning Act, 1977 (hereinafter called the principal Act), for the words "the Chief Executive Officer", the words "the Chief Administrator" shall be substituted.

12 of 1977

Substitution of section 42.

3. For section 42 of the principal Act, the following section shall be substituted, namely:—

"42. Constitution of Town and Country Development Authority. -**(1)** Save as provided in section 42-A, every Town and Country Development Authority shall consist of the Chairman and other members not exceeding twelve to be appointed by the State Government:

Provided that, whenever it is expedient to ensure the efficient performance of the functions assigned to the Town and Country Development Authority, the State Government may appoint one or more persons as its Vice-Chairmen and where more than one person is appointed as Vice-Chairman one of them shall be designated as Senior Vice-Chairman:

Provided further that the State Government may, if it considers it necessary so to do, constitute a single member Town and Country Development Authority.

(2) The Chairman, and in the absence of the Chairman the Senior Vice-Chairman, and in the absence of both the Chairman and Senior Vice-Chairman, the Vice-Chairman, shall preside over the meetings of the Town and Country Development Authority constituted under sub-section (1). The Senior Vice-Chairman and Vice-Chairman shall, in relation thereto, exercise such powers and perform such functions as the Chairman may assign to them."

4. In section 43 of the principal Act
 - (a) in sub-sections (1) and (2), after the word "Chairman", the sign comma and the word "Vice-Chairmen" shall be inserted;
 - (b) in sub-section (3) after the word "Chairman", the sign comma and the word "Vice-Chairmen" shall be inserted.

Amendment of section 43.
5. In section 44 of the principal Act
 - (a) in sub-section (1), for the words and figure "a member under clause (b) of section 42", the words and figure "a Vice-Chairman or a member under section 42", and for the word "member" occurring for the second time the words "Vice-Chairman or the member, as the case may be", shall be substituted;
 - (b) in sub-section (2), for the words "any member", the words "any Vice-Chairman or any member" and for the words "a member", the words "a Vice-Chairman or a member, as the case may be," shall be substituted; and
 - (c) in sub-section (3), after the words "the Chairman", the sign comma and the word "Vice-Chairman" shall be added.

Amendment of section 44.
6. For section 45 of the principal Act, the following section shall be substituted, namely:

Substitution of section 45.

"45. Salary and allowances.—(1) The Chairman shall receive such salary and allowances and shall be subject to such terms and conditions of service as may be prescribed.

(2) The Senior Vice-Chairman, Vice-Chairman and members may be paid such allowances as may be prescribed."
7. For sub-section (2) of section 46 of the principal Act, the following sub-section shall be substituted, namely:

Amendment of section 46.

"(2) Whenever the office of the Chairman falls vacant, on account of leave under sub-section (1), the Senior Vice-Chairman or whenever the offices of the Chairman and the Senior Vice-Chairman fall vacant, on account of leave, the Vice-Chairman shall act as the Chairman."
8. After clause (xv) of sub-section (2) of section 87 of the principal Act, the following clause (xv-a) shall be added, namely:

Amendment of section 87.

"(xv-a) the rates at which, and conditions subject to which, the salary and allowances to be paid to the Chairman, Vice-Chairmen and members under section 45; "

STATEMENT OF OBJECTS AND REASONS

To secure uniform implementation of the development plans throughout the State, the State Government has recently set up an Integrated Town and Country Development Authority for various Planning Areas and Special Areas constituted under the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977). Consequent upon the setting of the said Integrated Development Authority, it has become necessary to increase the strength of the members and to appoint one or more Vice-Chairmen of the Development Authority and also to redesignate its Chief Executive Officer as "the Chief Administrator". To encourage effective and purposeful involvement of the Chairman, Vice-Chairmen and members of the Development Authority, it is also necessary to provide for payment of such salary and allowances to them as may be prescribed by the State Government from time to time.

This Bill seeks to achieve the aforesaid objectives.

VIRBHADRA SINGH,
Chief Minister.

SHIMLA :
the 29th March, 1995.

FINANCIAL MEMORANDUM

Clause 6 of the Bill, when enacted, will make the Vice-Chairmen also entitled to receive such allowances as may be prescribed by the State Government and the expenditure to be incurred for that purpose shall be met out of the funds of the Town and Country Development Authority.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 87 of the principal Act, as proposed to be amended by clause 8 of the Bill, will empower the State Government to make rules to fix the rates at which, and conditions subject to which, the emoluments and allowances are to be paid to the Chairman, Vice-Chairmen and members of the Development Authorities. The said rules are to be made subject to the condition of previous publication and when made the said rules are to be laid before the Legislative Assembly. The proposed delegation is essential and normal in character.